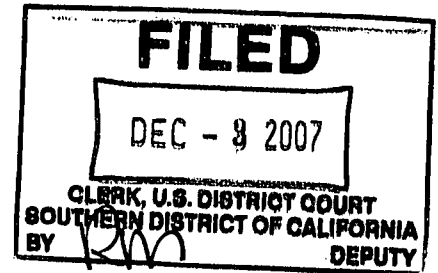


UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
501 "I" Street
Sacramento, CA 95814



U.S. District Court Southern District of California
Office of the Clerk
880 Front Street, Suite 4290
San Diego, CA 92101-8900

RE: L. GARCIA MONTTOYA vs. MANUEL LUIZ RAMIREZ
USDC No.: 2:07-CV-02475-FCD-JFM

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated November 29, 2007, transmitted herewith are the following documents.

Electronic Documents: 1 to 5.

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

November 29, 2007

/s/ L. Mena-Sanchez

Deputy Clerk

RECEIVED BY:

R. MULLIN

Please Print Name

DATE RECEIVED:

12/3/2007

NEW CASE
NUMBER:

'07CV 2282 DMS BLM

I hereby certify that the annexed
instrument is a true and correct copy of
the original on file in my office.
ATTEST: **VICTORIA C. MINOR**
Clerk, U. S. District Court
Eastern District of California
By: *J. Mena-Sanchez*
Deputy Clerk
Dated: 11/28/07

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

L. GARCIA MONTOYA, et al.,

Plaintiffs,

No. CIV S-07-2475 FCD JFM P

vs.

MANUEL LUIZ RAMIREZ,

Defendant.

ORDER

Plaintiffs, state prisoners proceeding pro se, have filed a civil rights action pursuant to 42 U.S.C. § 1983. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in forma pauperis.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

In this case, the claim arose in San Diego County, which is in the Southern District of California. Therefore, plaintiffs' claim should have been filed in the United States

1 District Court for the Southern District of California. In the interest of justice, a federal court
2 may transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C.
3 § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. This court has not ruled on plaintiff's request to proceed in forma pauperis; and
6 2. This matter is transferred to the United States District Court for the Southern
7 District of California.

8 DATED: November 28, 2007.

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11 UNITED STATES MAGISTRATE JUDGE

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CLOSED, PRISONER_CIVIL_RIGHTS

U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:07-cv-02475-FCD-JFM

(PC) Montoya, et al v. Ramirez
Assigned to: Judge Frank C. Damrell, Jr
Referred to: Magistrate Judge John F. Moulds
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/15/2007
Date Terminated: 11/29/2007
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**L. Garcia Montoya**

represented by **L. Garcia Montoya**
7738300
George F. Bailey Detention Facility
446 Alta Road
San Diego, CA 92158
PRO SE

Plaintiff**Q. Gates Diaz Nguyen**

represented by **Q. Gates Diaz Nguyen**
Box 122952 B# 7775738
San Diego, CA 92112-2952
PRO SE

Plaintiff**N. Gates Garruccaa-Gallego****Plaintiff****N. G. Gates-Gallego**

V.

Defendant**Manuel Luiz Ramirez**

Date Filed	#	Docket Text
11/15/2007	<u>1</u>	COMPLAINT against defendant Manuel Luiz Ramirez by plaintiff L. Garcia Montoya. (Marciel, M) Modified on 11/20/2007 (Plummer, M). (Entered: 11/16/2007)

11/15/2007	<u>2</u>	APPLICATION to Proceed IFP by plaintiff Q. Gates Diaz Nguyen. (Marciel, M) (Entered: 11/16/2007)
11/15/2007	<u>3</u>	REQUEST for standard forms used by this Court from plaintiff L. Garcia Montoya and Q. Gates Diaz Nguyen. (Marciel, M)(Response sent: "Enclosed are the habeas corpus forms and prisoner civil rights forms requested.") Modified on 11/20/2007 (Plummer, M). (Entered: 11/16/2007)
11/16/2007	<u>4</u>	PRISONER NEW CASE DOCUMENTS ISSUED (Attachments: # <u>1</u> Consent Forms) (Marciel, M) (Entered: 11/16/2007)
11/16/2007		SERVICE BY MAIL: <u>4</u> Prisoner Civil Rights New Case Documents served on plaintiff L. Garcia Montoya. (Marciel, M) (Entered: 11/16/2007)
11/20/2007		RE-SERVICE BY MAIL: served on N. Gates Garrucca-Gallego, N. G. Gates-Gallego, L. Garcia Montoya, Q. Gates Diaz Nguyen with Q. Gates Diaz Nguyen's mailing information included in case. (Plummer, M) (Entered: 11/20/2007)
11/29/2007	<u>5</u>	ORDER signed by Judge John F. Moulds on 11/28/07. This Court has not ruled on Plaintiff's Request to proceed in forma pauperis; and This matter is TRANSFERRED to U.S District Court Southern District of California. Original file, certified copy of transfer order, and docket sheet sent. CASE CLOSED. (Mena-Sanchez, L) (Entered: 11/29/2007)
11/29/2007		SERVICE BY MAIL: <u>5</u> Order, Case Transferred Out to Another District, served on L. Garcia Montoya, Q. Gates Diaz Nguyen. (Mena-Sanchez, L) (Entered: 11/29/2007)
11/29/2007	<u>6</u>	TRANSMITTAL of DOCUMENTS on *11/29/2007* to * U.S. District Court Southern District of California* *Office of the Clerk* *880 Front Street, Suite 4290* *San Diego, CA 92101-8900*. *Electronic Documents: 1 to 5. *. (Mena-Sanchez, L) (Entered: 11/29/2007)
12/03/2007	<u>7</u>	MAIL RETURNED as Undeliverable (New Case Documents). Mail sent to Q. Gates Diaz Nguyen. RTS- attempted, not known. (Dillon, M) (Entered: 12/04/2007)

PACER Service Center

Transaction Receipt

12/05/2007 09:11:21

PACER

Login:

ud0077

Client

Code:

Description:

Docket
ReportSearch
Criteria:

2:07-cv-02475-FCD-JFM

Billable			
Pages:	2	Cost:	0.16

501 I STREET 4-200 NORTHERN DISTRICT
SACRAMENTO, CA 95814

FILED

NOV 15 2007

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

MONTAÑA; DIAZ; ETAL, PLAINTIFFS,

VS.

MANUEL LUIS RAMIREZ, DEFENDANT.

CASE # 2:07-CV-2475 FCD JEM

CLASS ACTION COMPLAINT-LEGAL MALPRACTICE FRAUD: PI/PD/WD (23) (PC)

① JURISDICTION: MOST OF THE PLAINTIFF CLASS AND DEFENDANT ARE LINKED TO THIS DISTRICT AS WELL AS WITNESSES AND N3 RESEARCH AND DEVELOPMENT (RAD) TARS SYSTEMS. (28 U.S.C. 51343 A(3))

② PARTIES: PRIMARY PLAINTIFF L. GARCIA MONTAÑA; CLASS AGENT Q. DIAZ GARCES-NGUYEN; ETAL. HAD CONTACT WITH DEFENDANT, MANUEL LUIS RAMIREZ, CLAIMING TO BE A CA RETAINED DEFENSE ATTORNEY (RDA). BUT TARS SYSTEMS AND WITNESSES SHOW THE DEFENDANT COMMITS LARGELY VIA LEGAL MALPRACTICE FRAUD.

③ CAUSES OF ACTIONS: FROM 2005 TO 2007, THE DEFENDANT RECEIVED RETAINER FUNDS FOR FEES AS A RDA BUT DID NOT PROVIDE EVEN THE BASIC RDA SERVICES SUCH AS OBTAINING FULL AND COMPLETE DISCOVERY FOR CONTRACTED CRIMINAL DEFENSE (CD) CLIENTS.

④ ADMINISTRATIVE RELIEF: PLAINTIFF MONTAÑA AND OTHERS VERBALLY REQUESTED CD CASE DISCOVERIES; EXPENSE REPORTS; AND THEN PARTIAL REFUNDS OF RETAINER FUNDS AS THE RDA DEFENDANT CONTINUED TO ASK FOR RDA PAYMENTS WITHOUT ANY PROGRESS IN THE CASES.

⑤ PRAYER FOR RELIEF: PLAINTIFFS REQUEST THE HONORABLE JUDGE TO ORDER DEFENDANT: ① TO PAY DAMAGES OF \$3-MILLION PER PLAINTIFF; ② TO PAY PUNITIVE DAMAGES OF \$12-MILLION PER PLAINTIFF CLASS; ③ TO ALLOW PHASE-3 TARS DATA SUBPOENA; ④ TO ALLOW TRIAL WITH THE MAGISTRATE JUDGE AND JURY; AND ⑤ TO FOLLOW ANY OTHER ORDERS DEEMED FIT AND PROPER.

Q. Diaz Nguyen

MR. Q. DIAZ NGUYEN
PLAINTIFF CLASS AGENT
Box 122952 B#7775738
SAN DIEGO, CA 92112-2952

Leobardo Montaño

MR. L. GARCIA MONTAÑA
PRIMARY PLAINTIFF
446 ALTA ROAD #7738300
SAN DIEGO, CA 92158

From: **Mr. L. Garcia Montoya**
 Case 3:07-cv-02282-JFM Document 1 Filed 11/15/2007 Page 1 of 1
 446 ALTA ROAD B# 7738300
 SAN DIEGO, CA 92158

TO: **CLERK OF U.S. DISTRICT COURT**
JUDGE LAWRENCE KARLTON
501 I STREET 4-200
SACRAMENTO, CA 95814

RE: **Justice2000 Forms AND STOPPING WILDFIRES**
 XC: **Mr. George W. BUSH, FOIUS 2001-2008**
Ms. Bill and Melinda GATES, Gates Foundation
Ms. Laura LME, MIC-NM President
Mr. N. GATES-GALLEGO, MIC-GU President
Mr. David COLEY, CP President
Ms. Carolyn HAX, MIC-DC President

Dear **HONORABLE COURT EXECUTIVE OFFICER:**

FILED

NOV 15 2007

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY

A. Please send me copies of your standard forms as follows:

- † Civil Action Forms and Class Action Guidelines
- † Name Change or Registration Forms
- † Patent and Trademark Copyright Forms
- † Petition for Writ of Habeas Corpus Forms
- † Summons Forms for Civil Action and Subpoena
- † Waiver of Fees Forms

2:07-CV-2475 FCD JFM

(pc)

B. Please send a list of your local law providers not limited to State Bar Associations and Referral Services. Your quick response will help WIN the War On Terror (WOT). As part of the Justice2000 (J2k) Phase-2 Research, all events of these cases and all parties will be reviewed by multiple media organizations, the various Supreme Courts and the US Congress especially in Phase-3 TS-PIM (Trade Secret Patent Trade Marked) .

C. If you have any 501c3 groups that can receive donations from wills and estate codicils, please send guidelines. Also please file any enclosed motions for Orders in the appropriate case files. As noted in the J2k case files in your courts, the J2k Law Research Teams from Phase-1 to Phase-3 are testing 24-hours TARS (TRack and REcord Surveillance) Systems more advanced than the Micron Electronic Corporation (MEC) Micro Electro Mechanical Systems (MEMS) Microchips Being tested in CA are billions of desert version N3-HUGS-TARS Systems which will be sent to all terrorist countries to win the WOT.

D. The 2003 registered Microsoft Investment Clubs (MIC) at CA will be processing an IPO in another state for systems expected to be more valuable than Microsoft Corporation (MSC) Personal Computers (PC) Operating Systems (OS). Presently MIC organizations are on hold-suspension at CA to process MIC-HQ transfers to another state due to treason acts by CA-PCSD-Agent Linda YOST and SDOCD Detective Moreno. Their perjuries and misconducts, such as theft of equipment, have caused a delay in winning the WOT via 24-hours TARS Systems. **OUR TARS SYSTEMS HAD THE DATA TO STOP THE WILDFIRE ATTACKS BUT DUE PROCESS VIOLATIONS DELAYED OUR LAW TEAMS.**

E. Please send copies of the listed standard forms listed above to the addresses below. **SEND COPY OF FIVE PAGES IN ENCLOSED SASE (SELF ADDRESSED STAMPED ENVELOPE)**

Sincerely,

Leobardo Montoya

MR. L. GARCIA MONTAYA
 446 ALTA ROAD # 7738300
 SAN DIEGO, CA 92158

Q. Ding Gates-Phygen

MR. Q. DIAZ GATES-NGUYEN
 TWIN: N. GATES GARRUCHA-GALLEGO
 BOX 122952 B# 7775738
 SAN DIEGO, CA 92112-2952

From: **Mr. L. Garcia Montoya**
 Case 3:07-cv-02282-JFM
 446 ALTA ROAD B# 7738300
 SAN DIEGO, CA 92158

TO: **CLERK OF U.S. DISTRICT COURT**
JUDGE LAWRENCE KARLTON
 501 I STREET 4-200
 SACRAMENTO, CA 95814

Re: Justice2000 Forms **AND STOPPING WILDFIRES**
 XC: Mr. George W. BUSH, FOIUS 2001-2008
 Ms. Bill and Melinda GATES, Gates Foundation
 Ms. Laura LYLE, MIC-NM President
 Mr. N. GATES-GALLEGO, MIC-GU President
 Mr. David COLEY, CP President
 Ms. Carolyn FAX, MIC-DC President

Dear **HONORABLE COURT EXECUTIVE OFFICER:**

FILED

NOV 15 2007

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY

A. Please send me copies of your standard forms as follows:

- † Civil Action Forms and Class Action Guidelines
- † Name Change or Registration Forms
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- † Petition for Writ of Habeas Corpus Forms
- † Summons Forms for Civil Action and Subpoena
- † Waiver of Fees Forms

2:07-CV-2475 FCD JFM

(pc)

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E. Please send copies of the listed standard forms listed above to the addresses below. **SEND COPY OF PRUGO PAPERS IN ENCLOSED SASE (SELF ADDRESSED STAMPED ENVELOPE)**

Sincerely,

Leobardo Montoya

MR. L. GARCIA MONTAYA
 446 ALTA ROAD # 7738300
 SAN DIEGO, CA 92158

Q. Diaz Gates-NGUYEN

MR. Q. DIAZ GATES-NGUYEN
 TWIN: N. GATES GARRUCHA-GALLEGO
 BOX 122952 B# 7775738
 SAN DIEGO, CA 92112-2952

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Victoria C. Minor
Clerk of Court

Office of the Clerk
501 "I" Street
Sacramento, CA 95814

Divisional Office
2500 Tulare Street
Fresno, CA 93721

November 16, 2007

Case Number: 2:07-CV-02475-FCD-JFM

Case Title: L. GARCIA MONTOYA, ET AL., vs. MANUEL LUIZ RAMIREZ,

Dear Litigant,

You are hereby notified that the above case number has been assigned to your action. You are to include the complete case number on all documents sent to the court for filing in this case. Failure to do so results in delayed processing of your documents.

All matters in this action shall be sent to the following address until further notice:

Office of the Clerk
United States District Court
Eastern District of California
501 "I" Street, Suite 4-200
Sacramento, CA 95814

For timely processing of your pleadings or correspondence, please comply with our Local Rules of Court, in particular:

Local Rule 5-133 The court requires an original plus one copy of each document sent for filing. If you desire to receive a conformed copy for your records, you must send an original and two copies of your document and a pre-addressed postage-paid envelope for us to return your copy to you.

Local Rule 5-135 Once the defendant(s) have served a responsive pleading, you are under an ongoing duty to serve them with copies of all documents you submit to the court. A proof of service shall be attached to the original of any document lodged or filed with the court, showing the date, manner and place of service. A sample proof of service is attached.

Local Rule 7-130 Documents submitted to the court must be legible, on 8-1/2" x 11" paper, with writing on one (1) side of the page only. Each separate document must be stapled at the top left corner and pre-punched with two (2) holes centered 2-3/4" apart, 1/2" from the top edge of the page. Each page should be numbered consecutively at the bottom.

Local Rule 7-132 Every document submitted to the court must include your name, address and prisoner identification number in the upper left hand corner of the first page. The caption on the first page must include the title of this court, the title of the action, the case number assigned to this action (including all initials and letters that follow the number), and the title of your document. If you are pursuing more than one action in this court, you must submit a separate original document and the appropriate number of copies for each action in which you want the document filed.

Local Rule 6-142 A request for extension of time must state the reason an extension is needed. A request for extension of time should be filed before the deadline in question.

Local Rules 30-250, 33-250, 34-250 and 36-250 Discovery requests or responses should not be submitted to the court unless they are relevant and necessary to support or oppose a motion at issue before the court.

Local Rule 83-182 Each party appearing in propria persona is under a continuing duty to notify the Clerk and all other parties of any change of address.

Other Provisions:

Request for Case Status The court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the court, THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRES REGARDING THE STATUS OF YOUR CASE. As long as you keep the court apprised of your current address, you will receive all court decisions which might affect the status of your case.

Copy Work The Clerk's Office does not provide copies of documents to parties. Copies of documents may be obtained from Attorney's Diversified Service (ADS) by writing to them at: 1424 21st Street, Sacramento, CA 95814, or by phoning 916-441-4396 or 916-441-4466. The court will provide copies of docket sheets at \$0.50 per page. **Note: In Forma Pauperis** status does not include the cost of copies.

Victoria C. Minor
Clerk of Court
United States District Court

by: /s/ M. Marciel
Deputy Clerk

The following is a sample Proof of Service. Pursuant to Rule 5 of the F.R.Cv.P. and Local Rule 5-135, each document filed after the court orders service in your case shall be served on opposing counsel and a proof of service attached to your document filed with the court.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

(Case Title) _____

Plaintiff or Petitioner

V.

Case Number: 2:99-CV-99999 ABC DFG
(example case no.)

Defendant or Respondent

SAMPLE PROOF OF SERVICE

I hereby certify that on (Date) _____, I served a copy
of the attached (Title of Document Served and Filed) _____,
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the United States Mail at (Location of Mailing) _____:

(List Name and Address of Each Defendant or Attorney Served)

I declare under penalty of perjury that the foregoing is true and correct.

(Name of Person Completing Service)

**NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE
TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS**

You are hereby notified in accordance with 28 U.S.C §636(c), F.R.Civ.P.73 and Local Rule 73-305, the United States Magistrate Judges sitting in Sacramento and Fresno are available to exercise the court's case dispositive jurisdiction and to conduct any or all case despositive proceedings in this action, including motions to dismiss, motions for summary judgment, a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is however, permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's case dispositive jurisdiction from being exercised by a Magistrate Judge.

Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Ninth Circuit or, where appropriate, for the Federal Circuit in the same manner as an appeal from any other judgment of a District Court.

Whether or not the parties consent to pursuant to 28 U.S.C. § 636(c) the assigned Magistrate Judge will hear all motions except those case dispositive motions set forth in 28 U.S.C. § 636(b)(1)(A).

A copy of the Form for "Consent to / Decline of Jurisdiction of United States Magistrate Judge" is attached hereto for pro per use and attorney information. This form is available in fillable .pdf format on the court's web site at www.caed.uscourts.gov for all attorney ECF filers. This form may be filed through CM/ECF or by pro se litigants at the appropriate Clerk's Office location.

Office of the Clerk
501 I Street, Room 4-200
Sacramento, CA 95814

Office of the Clerk
2500 Tulare Street , Suite 1501
Fresno, CA 93721

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

L. GARCIA MONTTOYA, ET AL.,

Plaintiff(s)/Petitioner(s),

vs.

CASE NO. 2:07-CV-02475-FCD-JEM

MANUEL LUIZ RAMIREZ,

Defendant(s)/Respondents(s).

IMPORTANT
IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF
A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE
SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.

☐ **CONSENT TO JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent

() Counsel for * _____

☐ **DECLINE OF JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent

() Counsel for * _____

**If representing more than one party, counsel must indicate name of each party responding.*

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 L. GARCIA MONTOYA, et al.,

11 Plaintiffs,

No. CIV S-07-2475 FCD JFM P

12 vs.

13 MANUEL LUIZ RAMIREZ,

14 Defendant.

ORDER

15 _____ /
16 Plaintiffs, state prisoners proceeding pro se, have filed a civil rights action
17 pursuant to 42 U.S.C. § 1983. In light of 1996 amendments to 28 U.S.C. § 1915, this court will
18 not rule on plaintiff's request to proceed in forma pauperis.

19 The federal venue statute requires that a civil action, other than one based on
20 diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all
21 defendants reside in the same State, (2) a judicial district in which a substantial part of the events
22 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject
23 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
24 no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

25 In this case, the claim arose in San Diego County, which is in the Southern
26 District of California. Therefore, plaintiffs' claim should have been filed in the United States

1 District Court for the Southern District of California. In the interest of justice, a federal court
2 may transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C.
3 § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. This court has not ruled on plaintiff's request to proceed in forma pauperis; and
- 6 2. This matter is transferred to the United States District Court for the Southern
7 District of California.

8 DATED: November 28, 2007.

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11 UNITED STATES MAGISTRATE JUDGE

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JS44

(Rev. 07/89)

CIVIL COVER SHEET

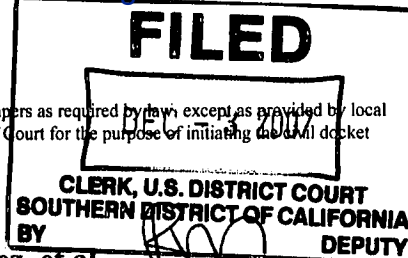
The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating a civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Montoya, et al

DEFENDANTS

Ramirez, et al



(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

L. Garcia Montoya
446 Alta Road
San Diego, CA 92158
7738300

ATTORNEYS (IF KNOWN)

070V 2282 DMS BLM

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act 29 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395R) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(p)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 12/3/2007

SIGNATURE OF ATTORNEY OF RECORD